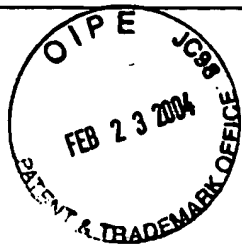


# ARNOLD & PORTER LLP



David R. Marsh, Ph.D.  
David\_Marsh@aporter.com

202.942.5068  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206

February 23, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FEB 27 2004

Re: U.S. Patent Application No. 09/554,533  
Filed: November 13, 1998  
Title: *Novel Exendin Agonist Compounds*  
Applicants: Nigel Robert Arnold BEELEY *et al.*  
Atty. Docket No.: 18528.016 (238/086 US)

Sir:

Transmitted herewith are the following documents for appropriate action by the U.S. Patent and Trademark Office (USPTO):

1. Status Request;
2. A copy of Notification of Abandonment;
3. A copy of a Petition for Revival of Abandoned Application along with a copy of a Transmittal of Missing Requirements, executed Declaration (4 pages) and a copy of the Notification of Missing Requirements;
4. A copy of the Decision on Petition Under 37 C.F.R. 1.137(b);
5. A copy of a Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address; and
6. Return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicants do not believe that any fees are due in conjunction with this filing. If, however, any fees are due with this submission, including any extension of time fees necessary to prevent abandonment of this patent application, then such fees are hereby petitioned and the

**BEST AVAILABLE COPY**

Washington, DC   New York   London   Brussels   Los Angeles   Century City   Northern Virginia   Denver

**BEST AVAILABLE COPY**

Commissioner is hereby authorized to charge any fee deficiency, and/or credit any overpayment, to our Deposit Account No. 50-2387, referencing matter number 18528.016.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. R. Marsh". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David R. Marsh (Reg. No. 41,408)  
Milan M. Vinnola (Reg. No. 45,979)

Attachments



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nigel Robert Arnold BEELEY *et al.*

Appln. No.: 09/554,533

Filed: November 13, 1998

For: *Novel Exendin Agonist Compounds*

Group Art Unit: 1646

Examiner: To be assigned

Docket No.: 238/086 US

**FEB 27 2004**

STATUS REQUEST

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request the status of the above-captioned application.

Based on the below, it is Applicants' understanding that the above-referenced application is revived. A Notification of Abandonment for failing to respond to a Notification of Missing Requirements Under 35 U.S.C. 371 was mailed from the U.S. Patent and Trademark Office on September 18, 2001 (copy enclosed). On July 11, 2002, Applicants submitted a Petition for Revival of Abandoned Application along with a Transmittal of Missing Requirements and associated documents in the U.S. Patent and Trademark Office (copies enclosed). On September 9, 2002, Applicants received a Decision on Petition Under 37 C.F.R. 1.137(b) granting the Petition to Revive (copy enclosed).

Copies of a Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address are also enclosed for your convenience.

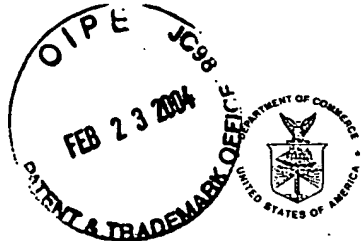
Respectfully submitted,

A handwritten signature in black ink, appearing to read "D R. Marsh". The signature is fluid and cursive, with the first name "D" being a large, stylized capital letter.

David R. Marsh (Reg. No. 41,408)  
Milan M. Vinnola (Reg. No. 45,979)

Date: February 23, 2004

ARNOLD & PORTER LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206  
(202) 942-5000 telephone  
(202) 942-5999 facsimile



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO. 09/554533	FIRST NAMED APPLICANT BEELEY N	ATTY. DOCKET NO. 238/086 PCT/
INTERNATIONAL APPLICATION NO. PCT/US98/24210		
I.A. FILING DATE 13 NOV 98		PRIORITY DATE 14 NOV 97
DATE MAILED: 18 SEP 2001		

CHARLES S BERKMAN  
LYON & LYON  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071

FEB 27 2004

### NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
- ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 14 JUN 2000 within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other.

RECEIVED

JV 29 2001

Brobeck, Phleger & Harrison LLP

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Paulette Kidwell, Paralegal

Telephone: 703-305-3656

RECEIVED  
SEP 27 2001

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
 \*\*\*\*\*



TRANSMISSION OK

TX/RX NO 3255  
 CONNECTION TEL 30639#0043#17033086916##  
 CONNECTION ID  
 ST. TIME 07/11 15:23  
 USAGE T 03'14  
 PGS. SENT 10  
 RESULT OK

**FACSIMILE TRANSMISSION**

Transmission problems: (858) 720-2584

FEB 27 2004

**Brobeck**

ATTORNEYS AT LAW

July 11, 2002

Brobeck, Phleger & Harrison LLP  
 12750 High Bluff  
 Suite 300  
 San Diego, California 92130-2081  
 PHONE 858.720.2500  
 FAX 858.720.3700  
 www.brobeck.com

PAGES TO FOLLOW COVER	9	USER ID	0454	CMID NUMBER	030639.0043.UTL2
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**TO**

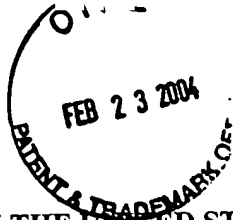
RECIPIENT	COMPANY	TELEPHONE	FAX
Office of Petitions	U.S. Patent and Trademark Office		(703) 308-6916

**FROM**

SENDER	EMAIL	TELEPHONE	FAX
Lisa M. McGeehan	LMcGeehan@brobeck.com	(858) 720-2584	(858) 720-3700

**MESSAGE**

Re: U.S. Application Serial No. 09/554,533  
International Application No. PCT/US98/24210



Patent  
030639.0043.UTL2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Beeley et al.

U.S. Application Serial No.: 09/554,533

International Application No.: PCT/US98/24210

International Filing Date: November 13, 1998

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

For: NOVEL EXENDIN AGONIST  
COMPOUNDS

PETITION FOR REVIVAL OF ABANDONED  
APPLICATION UNDER 37 CFR §1.137

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

FEB 27 2004

Dear Sir:

A Notification of Abandonment was mailed from the Patent Office for the above-captioned application on September 18, 2001. Applicants hereby petition for revival of this application under 37 C.F.R. §1.137(b), as the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 C.F.R. §1.137(b) was unintentional. As this application was filed after June 8, 1995, it is believed that a terminal disclaimer is not required with this petition. Enclosed with this petition is a response to the Notification of Missing Requirements. The Patent Office is also authorized to charge the small entity fee of \$640 set forth in 37 C.F.R. §1.17(m), which is required for filing this petition, to Deposit Account Number 50-1273.

Respectfully submitted,

Beeley et al.

Dated: July 11, 2002

By: Lisa M. McGeehan

Lisa M. McGeehan  
Reg. No. 41,185

BROBECK, PHLEGER & HARRISON LLP  
12390 El Camino Real  
San Diego, CA 92130  
Phone (858) 720-2584  
Fax (858) 720-2555

CERTIFICATE OF TRANSMISSION  
(37 C.F.R. §1.8)

I hereby certify that this paper, as well as those papers referenced herein, is being transmitted to the United States Patent and Trademark Office on the date shown below via facsimile.

July 11, 2002  
Date of Deposit

Lisa M. McGeehan  
Lisa M. McGeehan



Patent  
030639.0043.UTL2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Beeley et al.

U.S. Application Serial No.: 09/554,533

International Application No.: PCT/US98/24210

International Filing Date: November 13, 1998

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

For: NOVEL EXENDIN AGONIST  
COMPOUNDS

TRANSMITTAL OF MISSING REQUIREMENTS

Commissioner for Patents  
Washington, D.C. 20231

FEB 27 2004

Dear Sir:

**Documents Enclosed:**

In response to the **NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**, which was mailed by the Patent Office on June 14, 2000 enclosed are:

- ☒ Declaration executed by named inventors;
- ☒ Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
- ☒ Grant of Power of Attorney.

The Commissioner is authorized to charge Counsel's Deposit Account No. **50-1273** for any fees required, including the surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 C.F.R. 1.492(c)).

Respectfully submitted,

Dated: July 11, 2002

By: Lisa M. McGeehan

Lisa M. McGeehan  
Reg. No. 41,185

BROBECK, PHLEGER & HARRISON LLP  
12390 El Camino Real  
San Diego, CA 92130  
Phone (858) 720-2584  
Fax (858) 720-2555



JUL-03-2002 WED 10:30 AM

FAX NO.

TO 94537210

0002

P. 02

JUL 01 2002 17:18 FR BROBECK

Patent  
030639.0043.UTL2**DECLARATION**  
**Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention NOVEL EXENDIN AGONIST COMPOUNDS, the specification of which

(Check One)

☐ is attached hereto OR☒ was filed on November 13, 1998 as United States Application Serial No. \_\_\_\_\_; PCT International Application No. PCT/US98/24210 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/065,422	11/14/1997

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.66 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Residence, post office address, citizenship and signature of inventor(s) set forth below.

MVB

JUL-03-2002 WED 10:31 AM

FAX NO.

P. 03

TO 94537210

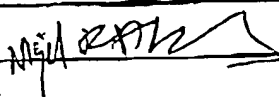
P.04

JUL 01 2002 17:13 FR BROBECK

Patent

030639.0043.UTL2

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Nigel	MIDDLE Robert Arnold	LAST Name Beeley	
	RESIDENCE & CITIZENSHIP	City Solana Beach	State or Foreign Country CA		Country of Citizenship United Kingdom
	POST OFFICE ADDRESS	227 Loma Corta Dr.	City Solana Beach	State or Country CA	Zip Code 92076
INVENTOR'S SIGNATURE 				DATE 07/08/02	

202	FULL NAME OF INVENTOR	FIRST Name Kathryn	MIDDLE Susan	LAST Name Prickett	
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA		Country of Citizenship USA
	POST OFFICE ADDRESS	7612 Tralibush Terrace	City San Diego	State or Country CA	Zip Code 92126
INVENTOR'S SIGNATURE _____				DATE _____	

Patent  
030639.0043.UTL2DECLARATION  
Utility Application

FEB 27 2004

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention NOVEL EXENDIN AGONIST COMPOUNDS, the specification of which

(Check One)

☐ is attached hereto OR

☒ was filed on November 13, 1998 as United States Application Serial No. \_\_\_\_\_; PCT International Application No. PCT/US98/24210 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/065,422	11/14/1997

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Residence, post office address, citizenship and signature of inventor(s) set forth below. ~

Patent  
030639.0043.UTL2

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Nigel	MIDDLE Robert Arnold	LAST Name Beeley	
	RESIDENCE & CITIZENSHIP	City Solana Beach	State or Foreign Country CA		Country of Citizenship United Kingdom
	POST OFFICE ADDRESS	227 Loma Corta Dr.	City Solana Beach	State or Country CA	Zip Code 92075
INVENTOR'S SIGNATURE _____ DATE _____					

202	FULL NAME OF INVENTOR	FIRST Name Kathryn	MIDDLE Susan	LAST Name Prickett	
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA		Country of Citizenship USA
	POST OFFICE ADDRESS	7812 Trailbush Terrace	City San Diego	State or Country CA	Zip Code 92126
INVENTOR'S SIGNATURE <u>Kathryn S. Prickett</u> DATE <u>7/3/02</u>					

09/554,533



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

09/554,533

N

238/086 PCT/

U.S. APPLICATION NO.	09/554,533	FIRST NAMED APPLICANT	ATTY. DOCKET NO.

CHARLES S BERKMAN  
LYON & LYON  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES CA 90071

PCT/US98/24210

INTERNATIONAL APPLICATION NO.

I.A. FILING DATE: 3/7/98 PRIORITY DATE: 1/97

DATE MAILED:

06/14/00

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☐ a non-English language.  
☒ English.  
☒ Translation of the international application into English.  
☐ Oath or Declaration of inventor(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☐ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.  
☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.  
☐ Verified Statement Claiming Small Entity Status.  
☐ Priority Document.  
☒ Copy of the International Search Report ☐ and copies of the references cited therein.  
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR, 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

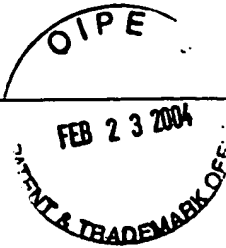
FORM PCT/DO/EO/905 (December 1997)

*P.K.*  
*Paulette Kidwell Paralegal*  
 Telephone: 703-305-3656



19 AUG 2002

UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

BROBECK, PHLEGER & HARRISON, LLP  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130

FEB 27 2004

In re Application of  
BEELEY et al.  
Serial No.: 09/554,533  
PCT No.: PCT/US98/24210  
Int. Filing Date: 13 November 1998  
Priority Date: 14 November 1997  
Attorney's Docket No.: 030639.0043.UTL2  
For: NOVEL EXENDIN AGONIST COMPOUNDS

:  
:  
:  
: DECISION ON PETITION  
:  
: UNDER 37 CFR 1.137(b)  
:

This is a decision on applicants' "Petition for Revival of an Abandoned Application Under 37 CFR 1.137(b)" in the above referenced application. The petition was filed on 11 July 2002 in the United States Patent and Trademark Office (USPTO). A petition fee of \$640 is required and charged to applicant's deposit account. This is also in response to applicant's "Communication" filed on 15 July 2002 and "Right of Assignee to Take Action Under 37 CFR§3.73" filed on 01 August 2002 along with a copy of the executed assignment..

### BACKGROUND

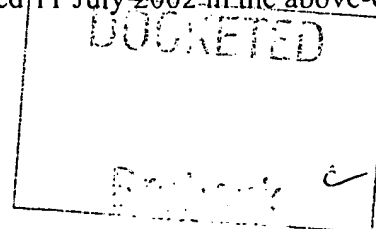
On 14 June 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and surcharge for filing the oath or declaration after the thirty month period was required.

On 18 September 2001, after the period within which to respond to the Form 905 expired, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to the Notification of Missing Requirements and that the application was considered abandoned.

On 11 July 2002, applicants responded to the Notification of Abandonment with the instant petition to revive the abandoned application and with a declaration executed by the inventors. The declaration, which accompanied the response, referenced international application no. PCT/US98/24210.

### DISCUSSION

The petition to revive under 37 CFR 1.137(b) filed 11 July 2002 in the above-captioned application is hereby granted as follows:



Applicants' statement that international application that "entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of \$335 has been paid. The required petition fee of \$640 will be charged to applicants' deposit account per their authorization and thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The \$65 surcharge for filing the declaration after the thirty month period will also be charged to applicant's deposit account.

### **CONCLUSION**

For the reasons stated above, the petition to revive under 37 CFR 1.137(b) filed 11 July 2002 in the above-captioned application is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing. The 35 U.S.C. 371(c) date is **11 July 2002**.



Cynthia M. Kratz  
Attorney Advisor  
PCT Legal Office

Telephone: (703) 306-5467  
CMK:cmk

TO: Auto-reply fax to 858-552-2212 COMPANY:



## Auto-Reply Facsimile Transmission



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

TO:

Fax Sender at 858-552-2212

Fax Information

Date Received:

2/26/03 9:02:54 PM [Eastern Standard Time]

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DATE: Feb. 26, 2003

TO: Art Unit 1646

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FROM: Amylin Pharmaceuticals, Inc.

RE: U.S. Serial No. 09/554,533  
Attorney Docket No. 238/086 US

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## ATTACHMENT:

- Transmittal;
- Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address.

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In re Application of:

Beeley *et al.*

Appln. No.: 09/554,533

Filed: November 13, 1998

For: NOVEL EXENDIN AGONIST  
COMPOUNDS

Art Unit: 1646

Examiner: To be assigned

Atty. 238/086 US

Docket:

Commissioner for Patents  
Washington, D.C. 20231

FEB 27 2004

**TRANSMITTAL**

Dear Sir:

Enclosed herewith for filing in the above-identified application is the following document:

- Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record  
and Change of Correspondence Address.The Commissioner is authorized to charge any fees associated with the present submission to  
Deposit Account No. 010535.

Respectfully Submitted,

AMYLIN PHARMACEUTICALS, INC.

Date: 2/26/03By: 

Molly A. Holman, Ph.D.

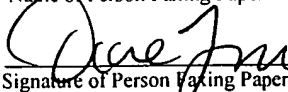
Reg. No. 40,022

AMYLIN PHARMACEUTICALS, INC.  
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San Diego, California 92121  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Appln. No.: 09/554,533

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COMPOUNDS

Art Unit: 1646

Examiner: To be assigned

Atty. Docket: 238/086 US

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**Revocation of Prior Power of Attorney,  
Appointment of New Attorneys of Record and  
Change of Correspondence Address**

**FEB 27 2004**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Amylin Pharmaceuticals, Inc. is the assignee of the entire right, title and interest in the above-identified application by virtue of the assignment recorded on August 5, 2002 at the U.S. Patent and Trademark Office at Reel 013161, Frame 0499. The undersigned, having express authority to represent Amylin Pharmaceuticals, Inc. as assignee, hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints the attorneys and agents listed below with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

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Telephone calls should be directed to David R. Marsh, (202) 942-5000 and facsimile transmissions to (202) 942-5999.

FOR: Amylin Pharmaceuticals, Inc.

SIGNATURE: \_\_\_\_\_

BY: Lloyd A. Rowland

TITLE: Vice President and General Counsel

DATE: \_\_\_\_\_

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